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APPLE COMPUTER, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

E-FILED - 8/17/06

BRIAN BARRY and BRIAN PISCIOTTA, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

vs.

APPLE COMPUTER, INC.,
Defendant.

CASE NO. C06-3266 RMW

**STIPULATED REQUEST FOR
ORDER CHANGING DATE FOR
CASE MANAGEMENT
CONFERENCE AND SUBMISSION
OF JOINT CASE MANAGEMENT
STATEMENT AND
ORDER**

1 WHEREAS, the initial Case Management Conference in the above-entitled matter is set
2 before this Court for August 25, 2006 at 10:30 a.m. and the parties have been ordered to submit a
3 Joint Case Management Statement on or before August 11, 2006;

4 WHEREAS, the deadline for defendant to answer or otherwise respond to the complaint is
5 September 7, 2006;

6 WHEREAS, in light of the September 7, 2006 deadline for defendant to respond to the
7 complaint and the parties' ongoing discussions regarding the background facts and issues, the
8 parties have agreed, subject to the approval of this Court, that the initial Case Management
9 Conference and related deadlines should be continued to allow these discussions to continue and
10 defendant's response to the complaint to have been filed in order better to identify the issues and
11 facilitate the most efficient and effective presentation of the case.

12 NOW THEREFORE, plaintiff and defendant, through their respective counsel of record,
13 hereby stipulate as follows:

14 Pursuant to Civil L.R. 6-2, subject to the Court's approval, the initial Case Management
15 Conference in the above-entitled matter shall be continued to October 20, 2006 at 10:30 a.m. and
16 the deadline for the parties to submit a Joint Case Management Statement shall be continued to
17 October 12, 2006.

1 DATED: August 7, 2006

MUNGER, TOLLES & OLSON LLP

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3 By: /s/
4 ROSEMARIE T. RING

5 Attorneys for Defendant
6 APPLE COMPUTER, INC.

7 GREEN WELLING LLP

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9 By: /s/
10 MARK C. GARDY

11 Attorneys for Plaintiffs
12 BRIAN BARRY and BRIAN PISCIOTTA
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1 PURSUANT TO STIPULATION, IT IS SO ORDERED. The initial Case
2 Management Conference in the above-entitled matter shall be and hereby is continued to October
3 20, 2006 at 10:30 a.m. before the Honorable Judge Ronald M. Whyte, in courtroom #6, 4th floor
4 of the United States Courthouse, 280 South First Street, San Jose, California. The parties shall
5 submit a Joint Case Management Statement no later than October 12, 2006.

6
7 Dated: 8/17/06

/s/ Ronald M. Whyte

HONORABLE JUDGE RONALD M. WHYTE

CERTIFICATION

I, Rosemarie T. Ring, am the ECF User whose identification and password are being used to file this STIPULATED REQUEST FOR ORDER CHANGING DATE FOR CASE MANAGEMENT CONFERENCE AND SUBMISSION OF JOINT CASE MANAGEMENT STATEMENT AND [PROPOSED] ORDER. In compliance with General Order 45.X.B., I hereby attest that Mark C. Gardy concurred in this filing.